

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**DOCKET FILE COPY ORIGINAL**

In re Applications of	)	MM Docket No. 99-153
	)	
READING BROADCASTING, INC.	)	File No. BRCT-940407KF
	)	
For Renewal of License of Station	)	
WTVE(TV), Channel 51,	)	
Reading, Pennsylvania	)	
	)	
and	)	
	)	
ADAMS COMMUNICATIONS	)	
CORPORATION	)	File No. BPCT-940630KG
	)	
For Construction Permit for a	)	
New Television Station On	)	
Channel 51, Reading, Pennsylvania	)	

To: Administrative Law Judge Richard L. Sippel

**VOLUME III OF EXHIBITS**

**EXHIBITS 45-48**

**June 12, 2000**

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In re Applications of, ) MM Docket No. 99-153  
)  
READING BROADCASTING, INC., ) File No. BRCT-940407KF  
)  
For Renewal of License of )  
Station WTVE(TV), Channel 51, )  
Reading, Pennsylvania )  
)  
and )  
)  
ADAM COMMUNICATIONS ) File No. BPCT-940630KG  
CORPORATION )  
)  
For Construction Permit )

Deposition of A.R. UMANS, held at the  
offices of Holleb & Coff, 55 East Monroe Street,  
Suite 4000, Chicago, Illinois, commencing at  
1:50 p.m., 14th day of October, 1999 before Renee E.  
Brass, Notary Public for the State of Illinois.

**READING EXHIBIT 45**  
**PAGE 1**

BLOCK COURT REPORTING, INC. (A U.S. Legal Company)  
The High-Tech Leader in Reporting Services  
(202) 638-1313 (800) 735-3376 (DEPO)

Date	6-12-00
Reporter	J. H. Del Rio
Disposition	
Presented by	Reading
Docket No.	MM-99-153
Federal Communications Commission	
Exhibit No.	45

**VOLUME III**

**DOCKET FILE COPY ORIGINAL**

**Exhibit 45      EXCERPT FROM DEPOSITION OF A.R. UMANS  
OCTOBER 14, 1999, 1:50 P.M.**

**Exhibit 46      TESTIMONY OF MICHEAL PARKER plus  
Attachments A-J**

**Exhibit 47      TESTIMONY OF GEORGE MATTMILLER plus  
Attachment A**

**Exhibit 48      JOINT ENGINEERING STATEMENT OF  
MICHAEL D. RHODES, GARRISON C. CAVELL  
and JOHN A. LUNDIN**

**WAS1 #818151 v1**

IAL

**Exhibit 45 EXCERPT FROM DEPOSITION  
OF A.R. URMANS  
OCTOBER 14, 1999, 1:50 P.M.**

1                                   A.R. UMANS,  
2   having been first duly sworn, was examined and  
3   testified as follows:

4                                   EXAMINATION

5   BY MR. HUTTON:

6           Q.   Mr. Umans, my name is Tom Hutton. I'm an  
7   attorney for Reading Broadcasting, Inc. in this  
8   case. I'm going to be asking you a series of  
9   questions. If you don't understand a question or  
10   don't hear me, please feel free to ask me to repeat  
11   the question or to rephrase the question as you see  
12   fit.

13                   We have a sequestration rule in effect in  
14   this case, and that means that after the deposition  
15   is ended, you are not to discuss the substance of  
16   your testimony in this deposition with any of the  
17   other people who are scheduled to be deposed in this  
18   case on behalf of Adams Communications; is that  
19   clear?

20           A.   Yes.

21           Q.   If Mr. Cole has an objection to one of my  
22   questions, wait for him to express his objection and

READING EXHIBIT 45  
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1 we'll argue back and forth, and once we've completed  
2 our little song and dance, we'll instruct you as to  
3 whether or not to answer the question.

4 If you feel the need to take a break -- and  
5 that goes for you also -- please just let us know and  
6 we'll take a break.

7 MR. COLE: Let the record reflect that the  
8 you also referred to madam reporter.

9 MR. HUTTON: Yes. It applies to you as  
10 well, Mr. Cole.

11 MR. COLE: Thank you, Mr. Hutton.

12 BY MR. HUTTON:

13 Q. With that introduction, will you state your  
14 name and address for the record.

15 A. My name is Al Umans, U-m-a-n-s. I use the  
16 initial A.R. Umans. My residence address is 132 East  
17 Delaware Place in Chicago.

18 Q. Mr. Umans, are you taking any medication  
19 that could affect your ability to recall past events  
20 or testify accurately as to past events?

21 A. No, I'm not.

22 Q. And where are you employed?

READING EXHIBIT 45  
PAGE 3

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1           A.     In Melrose Park, Illinois, the firm name is  
2     RHC Spacemaster Corporation. I'm chairman and CEO of  
3     that company.

4           Q.     What does that company do?

5           A.     We are manufacturers of store fixtures.

6           Q.     How long have you headed up that company?

7           A.     Thirty-three years.

8           Q.     Have you ever worked in the broadcast  
9     industry?

10          A.     I have not.

11          Q.     Have you ever been to Reading,  
12     Pennsylvania?

13          A.     Forty years ago overnight, I think.

14          Q.     What was the purpose of your visit there?

15          A.     Social.

16          Q.     Any other times?

17          A.     No.

18          Q.     Do you have any familiarity with the  
19     programming or operations of television station WTVE,  
20     Channel 51 in Reading, Pennsylvania?

21          A.     I do not.

22          Q.     Do you have any knowledge of the television

1 stations that WTVE competes against?

2 A. No.

3 Q. Have you ever been involved in any civic  
4 activities in or around the Reading area?

5 A. No, other than national contributions to  
6 firms that do operate in the Reading area, not  
7 charities rather, that must function in Reading, as  
8 well as the rest of the country.

9 Q. Can you give me an example of that?

10 A. Jewish United Fund, American Red Cross,  
11 charities that may also function in that area, but --

12 Q. Do you recall participating in any  
13 activities of any of those organizations that related  
14 to specifically Reading or to Pennsylvania?

15 A. No, I do not.

16 Q. What is your ownership interest in Adams  
17 Communications Company?

18 A. I have a 9 percent equity interest, I  
19 believe.

20 Q. Are you an officer of the company?

21 A. I am vice president of the company.

22 Q. Are you a director of the company?

**READING EXHIBIT 45  
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1           A.     Yes.

2           Q.     Have you ever engaged in discussions with  
3 anyone else about the proposed programming of the  
4 station if the Adams Communications application is  
5 granted?

6           A.     Only internally within our group, with  
7 Howard Gilbert and Robert Haag.

8           Q.     What has been the nature of those  
9 discussions?

10          A.     That it was our intention as Adams to have  
11 the station broadcast as a Spanish language station.

12          Q.     When did those discussions take place?

13          A.     I believe at the onset of our application  
14 dating back to 1994, '95.

15          Q.     Who brought the subject up?

16          A.     I don't know.

17          Q.     Did you discuss it with them separately or  
18 as a group?

19          A.     I believe together as a group.

20          Q.     Would that have been with the other  
21 principals of Adams Communications?

22          A.     I don't recall. I only recall discussing

1 it with Mr. Haag and Mr. Gilbert. No one else.

2 Q. Why was there an interest in engaging in  
3 Spanish language programming?

4 A. We believed that the area did not have a  
5 Spanish language television station at the time, and  
6 it was the opportunity to do that and to service the  
7 Spanish speaking population of the area.

8 Q. What percentage of the population in that  
9 area to the best of your knowledge is Hispanic?

10 A. I do not know a percentage.

11 Q. Do you have any rough estimate?

12 A. I do not.

13 Q. Do you know if it's greater than 5 percent?

14 A. I have no knowledge of the percentage of  
15 the Spanish population.

16 Q. If you have no knowledge of the percentage  
17 of Hispanic population, why was it a matter of  
18 interest that the station provide programming to that  
19 population?

20 A. Without my knowing the specifics, we -- the  
21 group felt there was a need and an opportunity for a  
22 Spanish language station. Probably that research had

1     been done, but not by me. I went along with the  
2     view.

3           Q.     Have you engaged in discussions with anyone  
4     about the proposed management of the station if the  
5     Adams Communications application is granted?

6           A.     I do not know whether we have addressed  
7     that yet who would be designated to manage the  
8     station.

9           Q.     Well, my question was a little different,  
10    and that's simply have you engaged in any discussion  
11    with anyone else on that subject?

12          A.     Not that I can recall.

13          Q.     Have you engaged in discussions with anyone  
14    about potential ownership changes in Adams  
15    Communications?

16          A.     No.

17          Q.     Have you engaged in discussions with anyone  
18    about the potential sale of the FCC authorization if  
19    the authorization is awarded to Adams Communications?

20          A.     No.

21          Q.     Have you engaged in discussions with anyone  
22    about the possibility of Adams Communications

**READING EXHIBIT 45**  
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**Exhibit 46 TESTIMONY OF MICHEAL PARKER  
plus Attachments A-J**

## TESTIMONY OF MICHEAL L. PARKER

1. I am President of Reading Broadcasting, Inc. ("RBI") and vote approximately 45.4% of the stock of RBI through Partel, Inc., a company in which I am the sole stockholder.

2. Since 1980, I have acquired attributable interests in numerous domestic broadcast stations or constructions permits, including the following:

<u>Station</u>	<u>Licensee/Permittee</u>
WTVE(TV), Reading, PA	RBI (through Partel, Inc.)
KWBB(TV) San Francisco, CA	West Coast United Broadcasting Co.
KPRR-TV, Honolulu, HI	Pacific Rim Broadcasting Co.
WHRC(TV), Norwell, MA	Massachusetts Channel 46 Corp. (through Two If By Sea Broadcasting Corp.)
KORC(TV), Anacortes, WA	Mt. Baker Broadcasting Co.
KTBY(TV), Anchorage, AK	Totem Broadcasting Co.
KVMD(TV), Twentynine Palms, CA	Mike Parker
International Broadcast Station KCBI, Dallas, TX	Two If By Sea Broadcasting Corp.

3. In addition, since 1980 I have been a party to certain applications filed with the Federal Communications Commission ("Commission") to acquire broadcast construction permits or interests in broadcast construction permit, including the following:

<u>Applicant</u>	<u>Facility</u>
Micheal L. Parker	Ch. 29, Sacramento, CA
Micheal L. Parker	Ch. 68 (LPTV), Los Angeles, CA
West Coast United Broadcasting Co.	Ch. 66 (LPTV), San Francisco, CA

All of those applications were dismissed or denied.

Date 6-12-00  
Reporter Jim Delane  
Disposition  
Accepted ✓  
Rejected ✓  
Identified ✓  
Presented by Reading  
Docket No. MM-99153  
Federal Communications Commission  
Exhibit No. 46

4. In addition, since 1980 I have been a party to certain applications to modify or extend broadcast construction permits, including the following:

<u>Applicant</u>	<u>Facility</u>
Pacific Rim Broadcasting Co., Inc.	KPRR-TV, Honolulu, HI
Mt. Baker Broadcasting Co., Inc.	KORC, Anacortes, WA

Both of those applications were dismissed or denied. The denial of the Mt. Baker application was the subject of the Commission decision attached as Attachment A.

5. Since 1980, I have served as a consultant to a considerable number of broadcast applicants, permittees or licensees. Included in this activity was service as a consultant to San Bernardino Broadcasting Limited Partnership ("SBB"), an applicant for a construction permit for Channel 30 in San Bernardino, California. The denial of SBB's application and my role in that application, in which I was held to be a "real-party-in-interest," are addressed in the Review Board decision attached as Attachment B. Subsequently, the Review Board approved a settlement of the case in which SBB received \$850,000 in return for dismissing its application. A copy of that decision is attached as Attachment C. Although SBB could have asked for the earlier Review Board decision to be vacated as part of the settlement of the case, it did not do so.

6. During the late 1980's and early 1990's, RBI and other companies in which I had an interest generally used Bob Beizer, Clark Wadlow and various associates of theirs as communications counsel. Both Mr. Beizer and Mr. Wadlow have served terms as President of the Federal Communications Bar Association and

are highly regarded communications lawyers. They were affiliated first with Schnader, Harrison, Segal & Lewis, a Philadelphia law firm, and around 1990 moved their practice to Sidley & Austin. (For ease of reference, regardless of timeframe I will refer to them and their associates as the "Sidley attorneys.")

7. The Sidley attorneys were aware of the Mt. Baker case and the San Bernardino case. In fact, they represented Inland Empire Television, an applicant in competition with SBB in the San Bernardino case. The Sidley attorneys advised me that neither the Mt. Baker proceeding nor the San Bernardino proceeding raised a character issue as to my qualifications to hold Commission licenses. In the Mt. Baker proceeding, the Commission terminated the construction permit held by Mt. Baker Broadcasting Co., but did not take further enforcement action of any type against the company or its principals. With respect to the San Bernardino proceeding, Clark Wadlow advised me in writing that the case did not present questions as to my qualifications. Mr. Wadlow's letter is attached as Attachment D. I requested this letter in connection with my efforts to take RBI out of bankruptcy; I believe someone had raised a question as to my qualifications in connection with the disclosure statement that was being prepared for the bankruptcy court.

8. I had also had discussions with Clark Wadlow in which he told me that the San Bernardino case did not present questions as to my qualifications to be a Commission licensee. In addition to what is indicated in his letter, I was advised that the Review Board's decision only dealt with SBB's comparative qualifications and did not hold SBB to be disqualified. This interpretation was confirmed for me

when the Review Board approved a settlement payment of \$850,000 to SBB, because I believed that the Commission's rules did not permit a disqualified applicant to receive a settlement payment.

9. In the past ten years, I have been a party to multiple Commission applications in which the following questions were asked and answered:

7. Has the applicant or any party to this application had any interest in or connection with the following:

	Yes	No
(a) an application which has been dismissed with prejudice by the Commission?	X	
(b) an application which has been denied by the Commission?	X	
(c) a broadcast station, the license which has been revoked?		X
(d) an application in any Commission proceeding which left unresolved character issues against the applicant?		X
(e) if the answer to any of the questions in 6 or 7 is Yes, state in Exhibit No. ____ the following information:		
(i) Name of party having such interest;		
(ii) Nature of interest or connection, giving dates;		
(iii) Call letters of stations or file number of application, or docket number;		
(iv) Location.		

Those applications include:

Attachment E: 7-24-91 Form 315 application for consent to transfer of control of WHRC-TV, Norwell, MA (file number BTCCT-910724KG)

Attachment F: 11-13-91 Form 315 application for consent to transfer control of WTVE(TV), Reading, PA (file number BTCCT-911113KH)

Attachment G: 6-3-92 Form 315 application for consent to transfer control of KVMD(TV), Twentynine Palms, CA (file number BTCCT-920603KG)

Attachment H: 8-10-92 Form 314 application for consent to assignment of license of international broadcast station KCBI, Dallas, Texas (file number BALIB-9208100M)

10. The exhibits to the attached applications contain two similar narrative descriptions of the Mt. Baker decision:

In addition, Micheal Parker was an officer, director and shareholder of Mt. Baker Broadcasting Co., which was denied an application for extension of time of its construction permit for KORC(TV), Anacortes, Washington, FCC File No. BMPCT-860701KP. See Memorandum Opinion and Order, FCC 88-234, released August 5, 1988.

Norwell application (p. E30 infra) and Dallas application (p. H24 infra).

Mr. Parker also was an officer, director and shareholder of Mt. Baker Broadcasting Co. Mt. Baker Broadcasting Co.'s application for extension of time of its construction permit for KORC(TV), Anacortes, Washington (FCC File No. BMPCT-860701KP) was denied. See Memorandum Opinion and Order, FCC 88-234, released August 5, 1988.

Twentynine Palms application (p. G20-G21 infra) and Reading application (p. F30 infra).

11. I believe the earliest version of this narrative was in a March 2, 1989 Form 315 application prepared by the Sidley attorneys for West Coast United Broadcasting Co., the licensee of KWBB(TV), San Francisco, California. I was an

officer and director of that company. That application (relevant excerpts attached as Attachment I) included the following narrative about the Mt. Baker decision:

In addition, Micheal Parker is an officer, director, and shareholder of Mt. Baker Broadcasting Co., which was denied an application for extension of time of its construction permit for KORC(TV), Anacortes, Washington, FCC File No. BMPCT-860701KP. See Memorandum Opinion and Order, FCC 88-234, released August 5, 1988. Mt. Baker Broadcasting Co. has pending before the Commission a Petition for Reconsideration of that decision.

Attachment I, p. I-27. West Coast United Broadcasting Co. was relying upon the Sidley attorneys to make a judgment as to what was needed to respond to Form 315's questions about dismissed applications. I reviewed the narrative, but did not second-guess their judgment about what information to provide. Once the narrative had been prepared and used in an application that was deemed acceptable by the Commission, the narrative was used thereafter in subsequent applications, subject to editorial revisions.<sup>1</sup>

12. The narrative description of the San Bernardino decision first appeared in the Norwell application (Attachment E, p. E30-E31):

Although neither an applicant nor the holder of an interest in the applicant to the proceeding, Micheal Parker's role as a paid independent consultant to San Bernardino Broadcasting

---

<sup>1</sup> The West Coast United application and two 1989 LPTV applications to which I was a party and which were prepared by the Sidley attorneys did not reference the San Bernardino proceeding, which was still being litigated before the Review Board and Administrative Law Judge. I don't know whether this was an oversight or whether the Sidley attorneys believed at that time that the San Bernardino proceeding did not need to be mentioned. As noted above, they were aware of the San Bernardino case, so I relied upon them to decide what information to provide in the applications. In any event, because these applications were filed more than ten years ago, these applications do not seem to be relevant to the current issue except for background purposes.

Limited Partnership ("SBB"), an applicant in MM Docket No. 83-911 for authority to construct a new commercial television station on Channel 30 in San Bernardino, CA, was such that the general partner in SBB was held not to be the real-party-in-interest to that applicant and that, instead, for purposes of the comparative analysis of SBB's integration and diversification credit, Mr. Parker was deemed such. See e.g. Religious Broadcasting Network et. al., FCC 88R-38 released July 5, 1988. MM Docket No. 83-911 was settled in 1990 and Mr. Parker did not receive an interest of any kind in the applicant awarded the construction permit therein, Sandino Telecasters, Inc. See Religious Broadcasting Network, et. al., FCC 90R-101 released October 31, 1990.

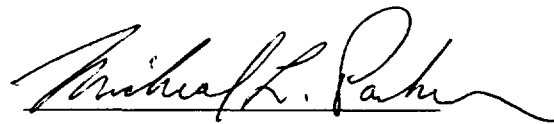
13. The same language appeared in the Dallas application (Attachment H, p. H24-H25), and very similar language appeared in the Reading application (Attachment F, p. F30) and the Twentynine Palms application (Attachment G, p. G21). I do not know who wrote the original language, but I believe it was written by an attorney. The attorneys listed on the Norwell application were Brown, Nietert & Kaufman on behalf of Nick Maggos, the transferor, and Marvin Mercer on behalf of Two If By Sea Broadcasting Corporation. Marvin Mercer is a business lawyer and bankruptcy lawyer who was also representing RBI at the time. He represented Two If By Sea Broadcasting Corp. in the transaction with Mr. Maggos. It is possible that he prepared the exhibit with input from the Sidley attorneys and/or Brown, Nietert & Kaufman. I reviewed the application, including the exhibit and approved it, based on my prior advice from the Sidley attorneys that the San Bernardino proceeding did not present an issue as to my qualifications. Again, once the narrative had been prepared and used in an application that was deemed acceptable by the Commission, the narrative was used thereafter in subsequent applications, subject to editorial revisions.

14. In the case of the Dallas application, a Commission staff person reviewing the application asked for further information about my dismissed applications. Either I or my assistant, Linda Hendrickson, asked Brown, Nietert & Kaufman to assist Two If By Sea Broadcasting Corp. in determining what was needed and preparing the amendment. A copy of the amendment is attached as Attachment J. Either Linda Hendrickson or I were contacted by Brown, Nietert & Kaufman about the information requested, which was essentially the same question as Question 7(d) on the FCC application form. Based on the previous advice from the Sidley attorneys about the Mt. Baker and San Bernardino proceedings, Linda or I indicated that there were no unresolved character issues pending when the applications to which I was a party were dismissed. Brown, Nietert & Kaufman prepared the amendment, and I signed it and sent it back to be filed with the Commission.

15. I regret that my past dealings with the Commission have raised a question as to RBI's qualifications. If there is a penalty to be imposed, it should be imposed against me alone, not against RBI, to the detriment of RBI's other stockholders. However, I do not believe any penalty is appropriate because the applications in question provided all of the information requested in the application forms. Moreover, I was relying upon the advice of the Sidley attorneys that the Mt. Baker and San Bernardino proceedings presented no question as to my qualifications to be a Commission licensee. Had Clark Wadlow or another Sidley attorney suggested changing the narrative, I would have done so.

Declaration

I, Micheal L. Parker, hereby swear under penalty of perjury under the laws of the United States of America that the foregoing "Testimony of Micheal L. Parker," consisting of 9 pages, is true and accurate to the best of my knowledge and belief. Executed this 16<sup>th</sup> day of May, 2000.

  
Micheal L. Parker

Reading Exhibit 46  
Page 9

Attachment A	Memorandum, Opinion and Order, FCC 88-234 Mt. Baker Broadcasting Co., Inc.
Attachment B	Decision, MM Docket No. 83-911, FCC 88R-38 Religious Broadcasting Network, San Bernadino, CA
Attachment C	Memorandum, Opinion and Order, MM Docket No. 83-911, FCC 90R-101 Religious Broadcasting Network, et al
Attachment D	February 18, 1991 Opinion Letter to Micheal Parker from Sidley & Austin
Attachment E	FCC Form 315 dated July 23, 1991 Re: WHRC- TV, Norwell, Massachusetts
Attachment F	November 22, 1991 Amendment to Application for Consent to Transfer of Control submitted on behalf of Reading Broadcasting, Inc.
Attachment G	FCC Form 315 filed June 3, 1992 on behalf of applicant Joseph Shackelford
Attachment H	FCC Form 314 filed by August 3, 1992 Micheal Parker, President, Two If By Sea Broadcasting Corporation for assignment of KCBI, Dallas, TX
Attachment I	FCC Form 315 filed March 2, 1989 on behalf of West Coast United Broadcasting, Co., licensee of station KWWB (TV), San Francisco, CA
Attachment J	October 29, 1992 Amendment to the 314 application for assignment of license of station KCBI, Dallas, TX

**A**

**Attachment A   Memorandum, Opinion and Order,  
FCC 88-234  
Mt. Baker Broadcasting Co., Inc.**